

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

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CLERK *L. Elders*  
SO. DIST. OF GA.

DONALD RUCKER,

Plaintiff,

v.

STATE OF GEORGIA, et al.,

Defendants.

CV 105-177

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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The captioned matter is before the Court on Plaintiff's nearly impenetrable motion for preliminary injunction, or in Plaintiff's words, a "protective order." (Doc. no. 11-1). The Court **REPORTS** and **RECOMMENDS** that this motion be summarily **DENIED** as frivolous. A party moving for injunctive relief must show the following: (1) a substantial likelihood that he will prevail on the merits; (2) a substantial threat that he will suffer irreparable injury if the injunction is not granted; (3) the threatened injury to him outweighs the threatened harm an injunction may cause the opponent; and (4) granting the preliminary injunction will not disserve the public interest. McDonald's Corp. v. Robertson, 147 F.3d 1301, 1306 (11th Cir. 1998) (citing All Care Nursing Serv., Inc. v. Bethesda Mem'l Hosp., Inc., 887 F.2d 1535, 1537 (11th Cir. 1989)). "A preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the 'burden of persuasion' as to the four requisites." All Care Nursing Serv., Inc., 887 F.2d at 1537. As explained in a simultaneous Order, Plaintiff has not even clearly identified the claims he

wishes to pursue in this case, much less shown that it is likely that he will prevail. Furthermore, the motion for preliminary injunction merely requests the Court to order Defendants "to comply with federal law." (Doc. no. 11, p. 1). Fed. R. Civ. P. 65(d) requires requests for injunctions to be specific--an injunction which merely orders the defendants to obey the law is too broad and too vague to be enforceable. See Burton v. City of Belle Glade, 178 F.3d 1175, 1201 (11th Cir. 1999). As Plaintiff's requested injunction does not conform to the specificity requirement of Rule 65(d), it is unenforceable and must fail.

Accordingly, the Court **REPORTS** and **RECOMMENDS** that Plaintiff's motion for injunctive relief (doc. no. 11-1) be **DENIED**.

SO REPORTED and RECOMMENDED this ~~16th~~ day of March, 2006, at Augusta, Georgia.

  
W. LEON BARFIELD  
UNITED STATES MAGISTRATE JUDGE